

REMARKS

Claims 1 - 18 are pending in the present application. Claims 15 – 18 are newly added.

Applicants note with appreciation that in section 9 of the Office Action, the Examiner indicates that claim 10 would be allowable if rewritten in independent form. However, claim 10 depends from claim 1, and Applicants believe that claim 1 is presently in condition for allowance. Accordingly, the rewriting of claim 10 does not appear to be necessary. Nevertheless, Applicants wish for the Examiner to note that Applicants are amending claim 10 to improve grammar.

In section 3 of the Office Action, claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants amended claim 12 to avoid the indefiniteness. Reconsideration and withdrawal of the section 112 rejection are respectfully requested.

In section 5 of the Office Action, claims 1 – 9 and 12 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,549,625 to Rautila et al. (hereinafter “the Rautila et al. patent”). In this set of claims, two are independent, namely claims 1 and 13. Applicants clarified an aspect of claims 1 and 13 that is neither described nor suggested by the Rautila et al. patent.

Claim 1 provides for a method of gathering information from short-range wireless portals. The method includes, *inter alia*, moving a mobile device within range of a short-range wireless portal, receiving information from the portal, and storing the information in a database at a database service system.

The Rautila et al. patent is directed toward a method and system for transmitting information to a mobile device that in turn transmits the information to a database in order to fetch information from the database (Abstract). FIG. 1 of the Rautila et al. patent illustrates a communication system 10 (col. 6, line 23) in which a transceiver 14 broadcasts information via a link 24 to a mobile terminal 12 (col. 6, lines 42 – 47). System 10 also includes a database 26 (col. 6, line 64). The broadcast information includes identification information that provides

mobile terminal 12 with the ability to access information that is stored in database 26 (col. 7, lines 12 – 19). More specifically, at col. 7, lines 19 – 22, the Rautila et al. patent states:

The identification information provides an address of the server, database, or a portion of the database at which the information associated with the identification information is stored (emphasis added).

Thus, in the Rautila et al. patent, mobile terminal 12 obtains information from database 26.

The Office Action, on page 4, suggests the Rautila et al. patent teaches storing information at a database service, and cites a passage at col. 9, lines 24 – 29. However, this cited passage falls within a sentence at col. 9 lines 20 – 29, which states:

This information, which is displayed on the display 49' of the mobile terminal 12, has associated with it the identification information which is transmitted via links 24 and 42 to the database within the IP network, including server(s) with database 26, to fetch the more detailed information stored in the database which is associated with the identification information for transmission back to the users of each mobile terminal 12 to enable the users to learn of more information regarding the source of the broadcast information from the location 16 (emphasis added).

Thus, this passage describes an operation of fetching data from database 26, rather than of storing information to database 26.

Applicants have not found any teaching in the Rautila et al. patent of information being transmitted from transceiver 14 to mobile terminal 12, and thereafter being stored to database 26. To the contrary, Applicants have only found that the Rautila et al. patent describes the mobile terminal 12 as obtaining information from database 26 (for example, see also (a) col. 7, lines 60 – 65, (b) col. 9, lines 1 – 6, (c) col. 9, lines 34 – 42, and (d) col. 10, lines 47 – 63).

Whereas the Rautila et al. patent expressly describes mobile terminal 12 as receiving identification information from transceiver 14 to enable mobile terminal 12 to **fetch information from database 26**, Applicants respectfully submit that the Rautila et al. patent fails to disclose

receiving information from a portal, and **storing the information in a database** at a database service system, as recited in claim 1.

Moreover, whereas the Rautila et al. patent expressly describes the identification information as providing **an address** of the server, database, or a portion of the database, the identification information is **not of a type that is ordinarily regarded as being for storage** in a database. Consequently, not only does the Rautila et al. patent fail to disclose, but it also fails to suggest **storing the information in a database** at a database service system, as recited in claim 1.

Applicants respectfully submit that because of the aforementioned reasons, claim 1 is both novel and non-obvious over the Rautila et al. patent.

Claim 2 – 9 and 12 depend from claim 1. By virtue of this dependence, claims 2 – 9 and 12 are also novel over the Rautila et al. patent.

Claim 13 provides for a mobile device. The mobile device includes, *inter alia*, a short-range wireless receiver for receiving information from a short-range wireless portal, a data handling subsystem for forming a message containing the information, and a cellular radio subsystem for sending the message to a remote database service system for storage in a database.

As explained above, in support of claim 1, the Rautila et al. patent describes mobile terminal 12 as obtaining information from database 12, but **does not describe information from mobile terminal 12 as being stored in database 26**. Consequently, the Rautila et al. patent does not disclose or suggest a cellular radio subsystem for sending a message to a remote database service system **for storage in a database**, as recited in claim 13. Thus, claim 13 is both novel and non-obvious over the Rautila et al. patent.

Claim 14 depends from claim 13. By virtue of this dependence, claim 14 is novel over the Rautila et al. patent.

Applicants respectfully request reconsideration and withdrawal of the section 102(e) rejection of claims 1 – 9 and 12 – 14.

In section 8 of the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Rautila et al. patent. Applicants respectfully traverse this rejection.

Claim 11 depends from claim 1, and so, also provides for a method of gathering information from short-range wireless portals. Additionally, claim 11 further recites that storing the information results in a user of the mobile device being recorded a reward. The specification, at page 6, lines 21 – 25, explains, for example, that such a reward can be granted to users who agree to participate in information gathering.

The Office Action does not cite any reference against claim 11, but merely states that the substance of claim 11 is a design choice could have been applied by a skilled artisan. However, a *prima facie* case of obviousness requires that a reference include some teaching, suggestion or motivation to modify the reference. Applicants have not found any teaching or suggestion in the Rautila et al. patent of providing a reward to a user of the system described therein. To the contrary, the Rautila et al. patent, at col. 9, lines 34 – 40 states:

With the present invention, the information that is broadcast to each mobile terminal 12 when the users are within the broadcast area 18 contains sufficient information to obtain the attention of the users and to enable the users to obtain complete access to information stored in the remote databases, such as manufacturer's information to induce a sale, ... (emphasis added).

Indeed, the express purpose of the system described by the Rautila et al. patent is **to induce a sale**, rather than **to provide a reward**. Consequently, the Office Action has not made a *prima facie* case of obviousness against claim 11. Thus, claim 11 is patentable over the Rautila et al. patent, not only because claim 11 depends from claim 1, but also on its own merits.

Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claim 11.

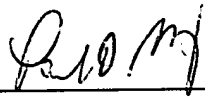
Applicants amended claims 1 and 13 to clarify that information is stored in a database, and further amended claim 13 to delete hyphens (i.e., "-"). Applicants also amended all of the claims for one or more of (a) correcting an indefinite recital, (b) ensuring an antecedent basis for terms, (c) improving form, (d) improving grammar, or (e) deleting recitals that do not appear to be necessary for patentability. None of the amendments is intended to narrow the scope of any term of any claim. Therefore, the doctrine of equivalents should be available for all of the terms of all of the claims.

Applicants added claims 15 and 16 to preserve subject matter that was deleted from claims 7 and 12, respectively, and Applicants added claims 17 and 18 to even further provide the claim coverage that Applicants appear to deserve based on the prior art that was cited by the Examiner. A favorable consideration that also results in the allowance of claims 15 - 18 is earnestly solicited.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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